

Practitioner's Docket No. 48968-C (71789)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

[X] In re application of: James A. Clagett  
Serial No.: 09/960,720 Group No.: 1653  
Filed: September 21, 2001 Examiner: H. Robinson  
For: TREATMENT WITH SMALL PEPTIDES TO EFFECT  
ANTIFIBROTIC ACTIVITY

**RECEIVED**

**DEC 29 2003**

**TECH CENTER 1600/2900**

*\*NOTE: Insert name(s) of all inventor(s) and title also for patent.*

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified

[X] application,  
[ ] patent,

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

*(check the following item, if applicable)*

[ ] Attached, as part of this power of attorney, is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

**SEND CORRESPONDENCE TO:**

**DIRECT TELEPHONE CALLS TO:**

Garrett W. Lindemann, Ph.D.  
Histatek, Inc.  
4645 East Cotton Center Blvd.  
Building 2, Suite 171  
Phoenix, Arizona 85040  
USA

(480) 505-9466

Customer No.:

Histatek, Inc.  
(type or print identity of assignee of entire interest)  
1906 Lombard Street  
Address  
San Francisco, CA 94123

[X] Recorded in PTO on January 22, 2002  
Reel 012508  
Frame 0194  
[ ] Recorded herewith

#### ASSIGNEE STATEMENT

Attached to this power is a "STATEMENT UNDER 37 C.F.R. 3.73(b)."

Garrett W. Lindemann  
Signature

Date: 12/15/03

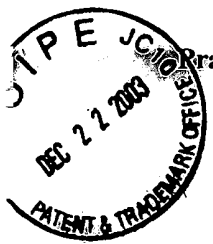
Garrett W. Lindemann  
(type or print name of person authorized to sign on behalf of assignee)

Ex. V.P. of R. & D.  
Title

NOTE: The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection.  
37 C.F.R. 1.36.

(check the following item, if it forms a part of this power of attorney)

[ ] Added page—Authorization of attorney(s) to accept and follow instructions from representative.



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STATEMENT UNDER 37 C.F.R. 3.73(b)  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

CERTIFICATION UNDER 37 C.F.R. § 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[X] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

[X] with sufficient postage as first class mail.

Γ as AExpress Mail Post Office to Addressee  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

Γ transmitted by facsimile to the Patent and Trademark Office.

  
Signature

Date: 12/19/03

Elisabeth Dunkle  
(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by AExpress Mail  $\cong$  must have the number of the AExpress Mail  $\cong$  mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).  
ASince the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition.  $\cong$  Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: 37 CFR 3.73(b) states: *When an assignee seeks to take action in a matter before the Office with respect to a patent application, ..., patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.*

NOTE: ASection 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18. Notice of Oct. 10, 1997, 62 Fed. Reg. 53,131, at 53,174.

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

#### IDENTIFICATION OF ASSIGNEE

2. Histatek, Inc.  
Name of assignee  
Corporation  
Type of assignee, e.g., corporation, partnership, university, government agency, etc.

#### PERSON AUTHORIZED TO SIGN

3. Garrett W. Lindemann  
(type name of person authorized to sign on behalf of assignee)  
Ex. V.P. of R&D.  
Title of person authorized to sign

NOTE: The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

*The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).*

*A(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.*

*A(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is*

empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required.≡

(complete the following, if applicable)

☒ I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

### BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

**A.**

1. ☒ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at January 22, 2002  
Reel 012508, Frame 0194
2. ☐ Other:

### AND/OR

**B.** ☐ A chain of title from the inventor(s) to the current assignee as shown below:

1. From: \_\_\_\_\_  
Name of inventor(s)  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_
2. From: \_\_\_\_\_  
Name of inventor(s) or assignee  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_
3. From: \_\_\_\_\_  
Name of inventor(s) or assignee  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

(check item below, and add details, if applicable)


☐ Additional documents in the chain of title are listed in the attached Supplemental Sheet.

## COPIES OF DOCUMENTS IN CHAIN OF TITLE

*(complete this item, if copies are being sent)*

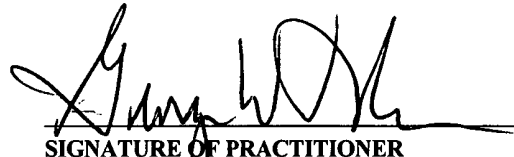
☒ Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

<input checked="" type="checkbox"/>	A	<input checked="" type="checkbox"/>	1	<input type="checkbox"/>	2	
<input type="checkbox"/>	B	<input type="checkbox"/>	1	<input type="checkbox"/>	2	<input type="checkbox"/> 3

  
\_\_\_\_\_  
Signature of authorized person

Garnett W. Hindemann  
\_\_\_\_\_  
(type or print name of authorized person)

Ex. V.P. of K&D  
\_\_\_\_\_  
Title of authorized person

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

George W. Neuner (Reg. No. 26,964)  
\_\_\_\_\_  
(type or print name of practitioner)

P.O. Box 9169  
\_\_\_\_\_  
P.O. Address

Boston, MA 02209  
\_\_\_\_\_

Reg. No.: 38,256

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